

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Kenji WATARI et al.

Application No. 10/577,387

Examiner: David Mellon

Filed: April 26, 2006

Attorney Docket No.: 7412/88137

Confirmation No. 4696

Customer No.: 42798

For: HOLLOW FIBER MEMBRANE MODULE, HOLLOW FIBER MEMBRANE
MODULE UNIT, AND WATER TREATMENT METHOD

Response to Restriction Requirement

MAIL STOP PCT
Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants respond to the February 9, 2009 requirement for restriction between Group I claims 1-15, Group II claims 16-17, and Group III claims 18-19 by electing with traverse Group I. Applicants respectfully solicit favorable action on the merits as to all claims, and Group I claims 1-15 in particular.

Applicants respectfully submit the requirement for restriction should be reconsidered and withdrawn inasmuch as it is feasible, and a reasonable use of resources, to consider all claims in one application.

The MPEP 803 provides that the claims can and should be considered in one application when there is no undue search burden. Here, that is the case because WIPO – a recognized authority administering the PCT – has already considered all claims and issued a search report as

to all such claims. Applicants courteously submit it makes better sense for the USPTO and WIPO to follow and apply the same rules consistently.

In the immediately above regards, Applicants have heretofore submitted an Information Disclosure Statement with fourteen (14) documents along with the International Search Report (ISR). The ISR indicates the relevancy of the documents cited therein. Other documents cited are discussed in the specification, such as at pages 1-3.

Applicants enclose herewith an English translation of the International Preliminary Report of Patentability (IPER) from which it will be self-evident that all nineteen (19) claims were examined. WIPO applied the same PCT rules cited in the present requirement for restriction and raised no unity of invention. In fact, the IPER reports that all nineteen (19) claims define novel inventions that have inventive step (unobvious) and have industrial applicability (utility), as seen from Box. No. V:

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-19	YES
	Claims		NO
Inventive step (IS)	Claims	1-19	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

Applicant(s) hereby request under 37 C.F.R. §1.136(a)(3) a one month extension of time within which to submit this Response to the United States Patent and Trademark Office for the above-identified application for patent. If Applicant(s) do not timely pay for any extension fee(s) pursuant to 37 C.F.R. §1.136(a) which may become due for this application under 37 C.F.R. §1.17 by check, the Commissioner is hereby authorized to charge such fee(s), and any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135 regarding our order number 7412/88137.

Favorable first action on the merits is earnestly solicited as to all claims together with the Examiner's acknowledgement of having carefully, independently considered the IPER, the ISR and all the documents cited with the initial Information Disclosure Statement.

Respectfully submitted,

Fitch, Even, Tabin & Flannery

Date: March 10, 2009

/s/ Kendrew H. Colton
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***OFFICIAL CORRESPONDENCE TO
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